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February 14, 2020

Via ECF

Hon. Mary Kay Vyskocil, U.S.D.J.
U.S. District Court (S.D.N.Y.)
500 Pearl Street
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/14/2020
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Re: Motion to Compel Production
Scholl v. Compass Group USA, Inc., et al. (S.D.N.Y. 19 cv 6685 (MKV))

Your Honor,

This motion is being submitted on behalf of the plaintiff in the above-captioned matter. As will be discussed infra, to date, Defendants have not produced responses to Plaintiff's initial discovery requests (Interrogatories and Document Demands), which were served upon them on January 10, 2020. Accordingly, Plaintiff's counsel respectfully moves this Court to compel production.

By way of background, the Court entered a civil case management plan and scheduling order on January 3, 2020 (ECF #19). On January 10, 2020, Plaintiff's counsel served Defendants' counsel with Plaintiff's initial discovery requests (both Interrogatories and Document Demands) via email (with hard copy sent via U.S. mail). Under the Federal Rules of Civil Procedure, Defendants had 30 days in which to respond. See FRCP 33(b)(2); 34(b)(2)(A). Thus, responses were due no later than Monday, February 10, 2020.

After having not received any responses, on February 11, 2020, Plaintiff's counsel called Defendants' counsel (Emma Diamond) and left a voicemail seeking an update as to production. Plaintiff's counsel also emailed the attorneys for Defendants asking for an update. Defendants' counsel (Sean Malley) replied to this email that same day (i.e., on February 11) and stated:

Thank you, [Plaintiff's counsel]. Because you served the requests by mail, and we have not consented to exchange of these items by electronic means, 3 days are added to the deadline pursuant to Rule 6(d).

Plaintiff's counsel responded to this email and wrote: "Thank you; I look forward to receiving your responses no later than this Thursday (February 13)." (copy of email chain annexed as Exhibit 1). Defendants' counsel did not reply to that last email.

It is now Friday, February 14, 2020, and Defendants have not provided responses to Plaintiff's initial discovery requests, which were served on January 10, 2020.

Accordingly, Plaintiff's counsel respectfully moves this Court to compel production. Plaintiff's counsel posits that he has attempted to meet and confer in good faith with Defendants' counsel, per Fed. R. Civ. P. 37(a)(1) and SDNY Local Rule 37.3, prior to making this motion.

Respectfully submitted,

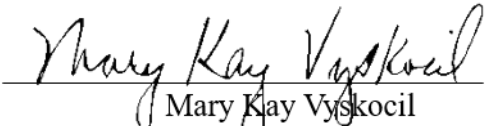


Casey Wolnowski, Esq.
Attorney for Plaintiff

cc: Margaret L. Watson (*via ECF*)
Sean A. Malley (*via ECF*)
Emma J. Diamond (*via ECF*)

DENIED. The parties are directed to meet and confer before seeking relief from the Court. SO ORDERED.

Date: 2/14/2020
New York, New York



Mary Kay Vyskocil
United States District Judge